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United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Magistrate Case No. 07MJ8924
)	
Plaintiff,)	
)	MOTION TO DISMISS COMPLAINT
v.)	WITHOUT PREJUDICE
)	
JUAN ESTEBAN RUIZ,)	
)	
Defendant.)	

COMES NOW the United States Attorney, Karen P. Hewitt, and Assistant U.S. Attorney, Joseph J.M. Orabona, and hereby moves this Court to dismiss, without prejudice, the Complaint filed against the above named defendant.

On November 13, 2007, the United States filed a Complaint charging the defendant with assault on a federal officer, in violation of Title 18, United States Code, Sections 111 and 1114, a felony, before Magistrate Judge Peter C. Lewis. On December 11, 2007, the United States filed an Information, which is related criminal case number 07CR3319-L, charging the defendant with impeding a federal officer on property under the charge of the United States General Services Administration, in violation of Title 41, Code of Federal Regulations, Section 102-74.390, a misdemeanor. In the interest of justice and for further investigation, the United States moves to dismiss, without prejudice, the Complaint against defendant JUAN ESTEBAN RUIZ.

DATE: December 12, 2007.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

/s/ Joseph J.M. Orabona
JOSEPH J.M. ORABONA
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN ESTEBAN RUIZ,

Defendant.

Case No. 07MJ8924

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Joseph J.M. Orabona, am a citizen of the United States and am at least eighteen years of age.
My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of the United States' MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE, as lead counsel for the United States, dated December 12, 2007, on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

1. Jodi D. Thorp, Esq.
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San Diego, California 92101
Tel: (619)233-3169
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Email: jodithorp@thorplawoffice.com
Lead Attorney for Defendant

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 12, 2007.

/s/ Joseph J.M. Orabona
JOSEPH J.M. ORABONA
Assistant United States Attorney